

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CARMELITO LINTAG, DEFENDANT-APPELLANT.***G.R. No. 62324. December 29, 1983*

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-62324/>**AQUINO, J.:**

There is no dispute that at around six o'clock in the evening of April 17, 1978 Carmelito Lintag, 19, a jeepney driver, residing at Bago Bantay, Quezon City (he finished first year high school), had sexual congress with Estella Redoble, 15 (born on January 30, 1963), a resident of 19 Maryland Street, Cubao, on a bamboo bed (papag) in a shack in the squatter's area near Kamias Street and the Nepa-Q-Mart, Quezon City (Exh. C and D).

Before the carnal intercourse, Estella took ten Ornacol capsules. Judicial notice may be taken of the fact that Ornacol is a medical preparation against cough and colds with its antitussive and decongestant components: dextromethorphan hydrobromide and phenylpropanolamine HCl. Taken in the prescribed dose of one to two capsules every twelve hours, it is not dangerous.

But, as observed by Doctor Carmen Concepcion-Valero, the Chief of the medical clinic of this Court, an overdose is dangerous because of its sedative action: it causes drowsiness. (See Pims 1983 Edition, page 81). Lintag admits that about half an hour after taking the ten tablets Estella was feeling dizzy and she wanted to sleep (4 tsn May 20, 1981).

His story is that he met Estella on March 17, 1978. She became his sweetheart. On April 17, 1978, he happened to meet her in the Bernardo Park near the Nepa-Q-Mart. He invited her to take a stroll inside the market. Then, they went to the Mercury Drugstore nearby and she asked him to buy ten Ornacol capsules with her money. She used the ten capsules.

They went to a restaurant but as she felt dizzy he took her to the house of a friend in the squatter's area. His friend left them alone in the house. They had sexual intercourse there with her consent. (In his statement, Exhibit D, dated April 21, 1978, he said that he met Estella for the first time on April 17, 1978, not a month earlier).

On the other hand, Estella (who finished first year high school) testified that at about two o'clock in the afternoon of April 17, 1978, while she was at the Bernardo Park near Quezon City Hall, she was approached by Lintag who informed her that her friend and former classmate in Grade six nicknamed Baby was looking for her near the jukebox at K-10 Street.

Estella went with Lintag, whom she had seen before at the Nepa-Q-Mart, although she did not know his name, to look for Baby. They did not find Baby. Lintag suggested that they take a walk. They went to the vicinity of Mercury Drugstore near the Nepa-Q-Mart at Epifanio de los Santos Avenue. Later, they returned to K-10 Street but as Baby was not yet there, they played the jukebox until six o'clock in the afternoon. They talked about drugs and the "trips" caused by taking the same.

Lintag bought Ornacol capsules at the Mercury Drugstore. He asked Estella to take them but she refused. Lintag

assured her that nothing would happen to her by taking the tablets and that she could make her "trip" while listening to the music from the jukebox. She relented and Lintag forced her to open her mouth and placed ten Ornacol capsules therein, five at a time.

Sometime later, Estella became dizzy and weak (4 tsn April 25, 1979). Lintag placed her in a jeep and took her to a shack in the squatter's area near the Nepa-Q-Mart. The persons in that house left when they arrived. Lintag undressed her and placed her on a bamboo bed (papag).

As she was feeling weak, she was not able to offer any resistance. In that condition, Lintag had sexual congress with her. The carnal intercourse caused her much pain. ("Naramdaman ko ang sakit at ang hapdi ng ipasok ni Lito ang kanyang ari sa akin").

She dressed up and returned to the parked jeep. At this juncture, her parents arrived in a taxi. Lintag fled from the scene. That same evening, she and her mother reported the outrage to Detective Vicente Madero of the Quezon City Police. Her statement was not taken then because she was in a state of shock. It was taken three days later (Exh. B).

The medical examination showed her "hymen with old lacerations at 5, 6, 9 and 11 o'clock positions". Her vagina admits two fingers with ease. Her mons veneris had scanty pubic hair (Exh. A).

Estella filed a complaint for rape against Lintag a week after the incident (Exh. F). After trial, the Court of First Instance of Rizal, Quezon City Branch V, convicted him of rape, sentenced him to reclusion perpetua and ordered him to indemnify the offended party and her parents in the sum of P31,000 as damages (Criminal Case No. Q-9435). He appealed to this Court.

He contends that the trial court erred in not finding that the case for the prosecution is utterly unfounded and in finding that he made Estella take ten Ornacol capsules which caused her to lose all power to resist his advances. He calls attention to Estella's admission in her statement to the police that she became interested in Ornacol and she gave Lintag the money to purchase it (Exh. B).

We hold that his guilt was proven beyond reasonable doubt. The fact is that Estella knew nothing about Ornacol. It was Lintag's sales talk about "trips" which inveigled her into asking him to buy Ornacol. His culpability is sanctioned by the doctrine that "el que es causa de la causa es causa del mal causado" (he who is the cause of the cause is the cause of the evil caused) (1 Cuello Calon, Derecho Penal, 15th Ed., 1975, p. 343; People vs. Ural, L-30801, March 27, 1974, 56 SCRA 138).

Appellant testified that Estella allegedly visited him in jail three or four times and they also had sexual intercourse in that public place. No credence was given by the trial court to that claim.

He also anchors his defense on certain handwritten documents. One is an unsworn certification dated April 26, 1978 (two days after she filed the complaint) wherein she states that she left her residence and was residing with her friend, Remedios Ocido (who also signed the certification), at Project 2 (Exh. J). Remedios is the common-law wife of Boy Lintag, the accused's brother.

Another letter, dated May 13, 1978, addressed to "Mahal Kong Lito" in jail was about their aborted marriage (Exh. G). Another very long letter dated "Friday 30, 1978", is addressed to "Nanay Lina at Tatay Gani" (Exh. H). Another three-page letter dated June 4, 1978 recounts the circumstances surrounding her sexual intercourse with Lintag on April 17, 1978 (Exh. I to I-2).

Estella testified that she was forced to write those letters after she was kidnapped by Boy Lintag, the brother of the accused. She was brought to Lintag's house in Bago Bantay, then to the house of a certain Colonel Lintag in

Scout Magbanua Street, and then to the house of Boy Lintag and his common-law wife in Pasig, Rizal from which she later escaped. She was kidnapped in the afternoon of April 24 and was able to escape on June 15, 1978 (7-8 tsn April 25, 1979).

She declared that she wrote Exhibit G by copying the original prepared by Colonel Lintag. Exhibit H, addressed to the parents of the accused, was copied from the letter prepared by the accused's father, Tatay Gani, in the house of Colonel Lintag. She did not write the name "Stella" at the end of the said letter.

In his house, Colonel Lintag also told Estella to copy the letter, Exhibit I, so that she could be set free (11 tsn April 25, 1979). No probative value can be assigned to the said letters. They only strengthen the evidence proving the guilt of the accused.

Lintag was charged with having caused Estella to take ten capsules of Ornacol, thus making her dizzy and dazed, and thereafter he had sexual intercourse with her against her will.

The rule is that "if the ability to resist is taken away by administering drugs, even though the woman may be conscious, sexual intercourse with her is rape" (33 Cyc. 1426-1427 cited in *Hirdes vs. Ottawa Circuit Judge*, 146 N. W. 646).

"If the woman's will is affected by the anesthetic so that the connection is had without her consent, though she may be more or less conscious, the act will be rape" (3 Wharton and Steele on Medical Jurisprudence, 4th Ed., sec. 597, cited in *State vs. Still*, 202 N. W. 479, 480).

In the *Still* case, the defendant, a physician, administered an injection containing 1-50 grain strychnine, 1-30 grain digitalin and 1-8 grain morphine to the victim to put her to sleep. When she awoke and was drowsy, dizzy and physically weak, the defendant had sexual intercourse with her although she resisted by the use of the muscles of her abdomen and legs and by pulling his hair and crying out. He was held guilty of rape.

In *People vs. Ing*, 422 Pac. 2nd 590, defendant doctor gave a seventeen-year-old girl, who wanted an abortion, a shot that caused her to pass out. Upon awakening, and as she was feeling dizzy, light-headed and "high", the doctor had sexual intercourse with her. He did this three times. It was held that the defendant was guilty of rape because the intoxicating narcotic or anesthetic substance administered to the victim prevented her from resisting his sexual advances.

In *Rhine vs. State*, 337 Pac. 2d 913, the defendant, a licensed physician, administered intravenous injections of nembutal or sodium pentobarbital to a married woman who became momentarily unconscious. When she woke up, the physician got in bed with her and they had sexual intercourse. The woman was conscious of all that went on but she had no power of resistance as she was both scared and paralyzed. The court upheld the jury's verdict of guilty because the injection of narcotic and anesthetic agent left the woman dazed and without power of resistance.

What the accused did in this case was to employ a subtle or sophisticated form of overcoming the resistance of the victim by the use of Ornacol capsules. He was able to consummate his felonious objective, considering that the victim was a mere teenager and considering the propensity of the present youth to succumb to drug addiction and to indulge in practices which their parents consider immoral or unconventional.

WHEREFORE, the lower court's judgment is affirmed. Costs de oficio.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.
Makasiar (Chairman), J., no part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.